

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
NORTH MANAGEMENT, LLC,

Plaintiff,

-against-

DINA GRILLO,

Defendant(s).  
-----X

INDEX NO. 83691/09  
FILE NO. 8196

NOTICE OF ENTRY

PLEASE TAKE NOTICE, that annexed hereto is the Decision/Order duly entered  
in the office of the Clerk of the Court on the 14<sup>th</sup> day of May, 2015

Dated: Westchester, NY  
May 14, 2015

Yours, etc.,

Kavulich & Associates, PC  
181 Westchester Avenue, Ste. 500C  
Port Chester, NY 10573

To: Dina Grillo  
3609 Bronxwood Avenue, 3<sup>rd</sup> Floor  
Bronx, NY 10469-1156

JP Morgan Chase Bank  
P.O. Box 183164  
Columbus, OH 43218-3164

CLERK OF COURT  
BRONX COUNTY  
2015 MAY 19 AM 10:42

Civil Court of the City of New York  
County of Bronx

INDEX NO. 83691/09  
FILE NO. 8196

-----X  
North Management, LLC,

Plaintiff,

ORDER

- against -

Dina Grillo,

Defendant(s).

-----X  
Upon the foregoing cited papers, the Decision/Order on the Plaintiff's Motion for an Order granting leave to serve an additional restraining notice upon J.P. Morgan Chase Bank, N.A. is hereby granted on default / after argument / on consent as follows:

1. Plaintiff may serve an additional restraining notice upon J.P. Morgan Chase Bank, N.A. in accordance with the CPLR.
2. Plaintiff is to serve a copy of this decision with Notice of Entry on the Defendant and J.P. Morgan Chase Bank, N.A. within 45 days, and file same with Court.
3. This is the Order and Decision of the Court.

5/14/15  
Date

  
J.S.C.

ENTERED  
BRONX COUNTY

[HON. ANTHONY CANNATARO  
J.S.C.]

MAY 14 2015

Civil Court  
of the  
City of New York

NORTH MANAGEMENT, LLC,

Plaintiff,

File No. 8196

AFFIDAVIT OF SERVICE  
BY MAIL

-against-

DINA GRILLO,

Defendant,

STATE OF NEW YORK  
COUNTY OF WESTCHESTER ss:

Michelle Ramirez being duly sworn, deposes and says:

I am over 18 years of age and not a party to this action. On May 14, 2015

I served the within Notice of Entry upon the defendant(s) and JP Morgan Chase Bank in this action,  
by depositing a true copy of the Notice of Entry in a postpaid envelope address to:

Dina Grillo  
3609 Bronxwood Avenue, 3<sup>rd</sup> Floor  
Bronx, NY 10469-1156

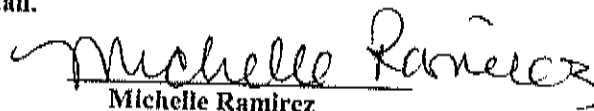
JP Morgan Chase Bank  
P.O. Box 183164  
Columbus, OH 43218-3164

in an official depository under the exclusive care and custody of the United States Postal Service,  
within the State of New York via regular first class mail.

Sworn to before me,  
This 14<sup>th</sup> day of May, 2015

Notary Public

GARY KAVULICH  
NOTARY PUBLIC-STATE OF NEW YORK  
NO: 02KA6205615  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 05/11/2017

  
Michelle Ramirez

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX: PART

Index No.

083694/09

WARTT MANAGEMENT LLC

Plaintiff(s),

-against-

DINA GRILLI

Defendant(s).

ORDER VACATING  
DEFAULT

Recitation, as required by Rule 2219(a) of the C.P.L.R. of the papers considered in the review of this motion:

Papers  
Order to Show Cause/Notice of Motion, Affidavit(s) & Exhibits  
Affirmation/Affidavit(s) in Opposition & Exhibits  
Reply Affidavit(s)

Numbered

Upon the foregoing cited papers, the Decision/Order on this Motion/Order to Show Cause is as follows:

The court is satisfied that the defendant has presented an excusable default and a meritorious defense, to warrant granting the instant motion/order to show cause (on default) (see Frenchy's v United, 251 AD2d 177 [1<sup>st</sup> Dept 1998]). Accordingly, the judgment/inquest clerk marking is vacated, and any and all income or wage garnishments, bank restraints or executions, sheriff or marshal levies, Department of Motor Vehicles license suspensions and/or loss of driving privileges, are vacated.

The answer annexed to the defendant's motion/order to show cause, is deemed filed and interposed in this matter, and the defendant may amend the same within twenty (20) days of the date of this order.

This matter is adjourned to 8 7/27/15 at 9:30 a.m. for trial.

This constitutes the Decision and Order of this court.

Dated:

ENTERED  
BRONX COUNTY

JUN 22 2015

Civil Court  
of the  
City of New York

Hon. Ruben Franco, JCC

h-11

Should be Part 34. ✓

Civil Court of the City of New York  
County of Bronx

Advocate Program



Index Number: CV-083691-09/BX

NORTH MANAGEMENT, LLC  
-against-  
DINA GRILLO

2015 JUN -2 PM 1:12

**ORDER TO SHOW CAUSE TO**  
Vacate Judgment, deem annexed proposed  
answer filed and/or dismiss the action.Upon the annexed affidavit of **DINA GRILLO**, sworn to on **June 5, 2015**, and upon all papers and proceedings herein:

Let the Plaintiff(s) or Plaintiff(s) attorney(s) show cause at:

**Civil Court of the City of New York County of Bronx**  
**851 Grand Concourse, Bronx, NY 10451****Part 34 C****Room 504**on June 22, 2015 at **9:30 AM**

or as soon thereafter as counsel may be heard, why an order should not be made:

**VACATING** the Judgment, vacating any liens and income executions, deeming the annexed proposed answer filed, and/or dismissing the case and/or granting such other and further relief as may be just.**PENDING** the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Plaintiff(s)/Petitioner(s), Plaintiff(s)/Petitioner(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.**SERVICE** of a copy of this Order to Show Cause, and annexed Affidavit, upon the:Plaintiff(s)/Defendant(s) or named attorney(s)  
(Judge to Initial)Sheriff or Marshal  
(Judge to Initial)       by Personal Service by " In Hand Delivery"  
✓ by Certified Mail, Return Receipt Requested  
       by First Class Mail with official Post Office       by Personal Service by " In Hand Delivery"  
       by Certified Mail, Return Receipt Requested  
       by First Class Mail with official Post Office

Certificate of Mailing

Certificate of Mailing

on or before 6/11/15, shall be deemed good and sufficient.**PROOF OF SUCH SERVICE** may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.Attorney(s): Mail to:  
Kavulich & Associates PC (Counsel for Pltff)  
181 Westchester Avenue  
Suite 500C  
Port Chester, NY 10573

Sheriff/Marshal:

June 5, 2015

DATE

  
Hon. Ruben Franco, Civil Court Judge (NYC)

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF Bronx

North Management, LLC

Plaintiff,

- against -

Dina Grillo

Defendant

Index No. 83691/09

AFFIDAVIT IN SUPPORT OF  
ORDER TO SHOW CAUSE  
TO VACATE DEFAULT  
JUDGMENT AND DISMISS FOR  
LACK OF PERSONAL  
JURISDICTION

STATE OF NEW YORK )

ss:

COUNTY OF Bronx )

Dina Grillo

, being duly sworn, depose and say that:

1. I am an unrepresented Defendant in the above-captioned action.
2. I am fully familiar with the facts set out in this Affidavit.
3. I submit this Affidavit in support of this Order to Show Cause to vacate the default

judgment and dismiss the action for lack of personal jurisdiction and attach the following

exhibit(s) in support: 1.) Affidavit of Service, stamped

August 13, 2009.

2.) Proposed Answer.

4. Because this Affidavit contains a sworn denial of the affidavit of service,

☒ and facts to rebut the process server's affidavit, I request the Court hold a traverse hearing.

☐ and documentary evidence to rebut the process server's affidavit, I request the Court grant

this application pursuant to C.P.L.R. 3211(a)(8) without the need for a traverse hearing and

dismiss the action for lack of personal jurisdiction.

1 of 10

5. On July 22, 2009, ~~me~~, Plaintiff commenced this action by filing the Summons and Complaint.

6. A default judgment was entered against me in this action on May 14, 2015.

7. I have reviewed the affidavit of service filed in this action, and I dispute the allegations of the process server for the following reasons:

- ☒ I was never personally served with a copy of the Summons and Complaint
  - ☒ A copy of the Summons and Complaint was never left with a person of suitable age and discretion at my residence or place of employment.
  - ☒ A copy of the Summons and Complaint was never attached to the door of my residence.
  - ☒ I did not receive a copy of the Summons and Complaint in the mail.
  - ☐ I was home on the dates and times the process server states he / she attempted service.
- Specifically, I was home on:

\_\_\_\_\_  
\_\_\_\_\_

and no one came to my door or rang my buzzer.

☐ The affidavit of service does not indicate that the process server attempted service at my place of employment. See Barnes v. Schwartz, 415 N.E. 2d 979, 979-980 (1980) (affirming determination that process server did not meet due diligence requirement because he did not attempt to ascertain defendant's "actual place of business"); see also Leviton v. Unger, 868 N.Y.S.2d 126 (2d Dep't 2008) (same); McSorely v. Spear, 854 N.Y.S.2d 759 (2d Dep't 2008) (same).

☒ Additionally, I dispute the following facts contained in the process server's affidavit for the following reasons:

I did not live at the address  
stated on the Affidavit of Service,  
3609 Bronxwood Avenue, 3<sup>rd</sup> Floor, Bronx, NY  
10469 and had not live there since  
~~March~~ September 2008.  
Further, I did not live with G-fox  
that meet the description of the man  
the process server describes accepted service.

8. I discovered that Plaintiff commenced this action when:

my bank account was restricted  
in May 2015.



9. Because I never received notice about the lawsuit, I have a reasonable excuse for my default.

10. I also have one or more meritorious defenses.

- ☒ I do not owe the money.
- ☐ I am a victim of identity theft or mistaken identity.
- ☒ Payment.
- ☒ Incorrect Amount.
- ☐ No business relationship with the plaintiff. (Plaintiff lacks standing.)
- ☐ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect debt.
- ☐ There is no debt collection license number in the complaint.
- ☒ Statute of limitations.
- ☐ The debt was discharged in bankruptcy.
- ☐ The collateral (property) was not sold at a commercially reasonable price.
- ☒ Unjust enrichment.
- ☒ Violation of the duty of good faith and fair dealing.
- ☐ Unconscionability (the contract is unfair).
- ☒ Laches.
- ☐ Defendant is in the military.
- ☒ Other Defense.

~~But~~ I was a Section 8 tenant and  
gave proper notification of my transfer  
and the landlord accepted my notice.

11. **Notice of Entry.** I note that:

☒ I was not served with written notice of entry of a judgment or order.

☐ I received a copy of the judgment or order with written notice of its entry

on or about \_\_\_\_\_

and I am filing this motion within the year of service.

12. **Protected Income.** In addition, I note that my sole source of income is

\_\_\_\_\_, which is exempt from collection.

13. The CLARO Program helped me prepare this Affidavit in support of my Order to Show Cause to Vacate the Default Judgment.

5 of 10

14. Upon information and belief based on the advice I received at CLARO, the law stated below is true and accurate:

15. C.P.L.R. 5015(a)(4) mandates this Court to vacate a default judgment and dismiss an action when it finds that a defendant was not served with the Summons or the Summons and Complaint as required by C.P.L.R. § 308. Kiesha G.-S. v. Alphonso S., 57 A.D.3d 289, 289, 870 N.Y.S.2d 240, 240 (1st Dept. 2008) (citing Chase Manhattan Bank, N.A., v. Carlson, 113 A.D.2d 734, 493 N.Y.S.2d 339 (2d Dept. 1985) (“[a]bsent proper service of a summons, a default judgment is deemed a nullity and once it is shown that proper service was not effected the judgment must be unconditionally vacated”)); Steele v. Hempstead Pub Taxi, 305 A.D.2d 401, 402, 760 N.Y.S.2d 188, 189 (2d Dept. 2003) (same).

16. Service of process is a constitutional requirement necessary for a court to have jurisdiction over a person. Patrician Plastic Corp. v. Bernadel Realty Corp., 25 N.Y.2d 599, 607, 307 N.Y.S.2d 868, 875 (1970) (“The short of it is that process serves to subject a person to jurisdiction in an action pending in a particular court and to give notice of the proceedings.” (citations omitted)).

17. The requirements for service of process are strictly enforced. Dorfman v. Leidner, 76 N.Y.2d 956, 958, 563 N.Y.S.2d 723, 725 (1990) (stating that “[s]ervice of process is carefully prescribed by the Legislature” and “requires adherence to the statute”).

18. A court determines whether Plaintiff effected service of process properly by reviewing the facial validity of the affidavit of service and other documents. De Zego v. Bruhn, 67 N.Y.2d 875, 877, 501 N.Y.S.2d 801, 801-802 (1986).

19. In its moving papers, the defendant must either submit a sworn denial of service or swear to specific facts to rebut the process server’s affidavit. Puco v. DeFeo, 296 A.D.2d 571,

571, 745 N.Y.S.2d 719, 719-20 (2d Dept. 2002). An affidavit by defendant that raises an issue of fact as to jurisdiction is sufficient to rebut the process server's affidavit. National Union Fire Ins. v. Montgomery, 245 A.D. 2d 150, 665 N.Y.S.2d 665, 666 (1st Dept. 1997).

20.

☒ This Affidavit raises a question of fact with respect to this Court's jurisdiction, which should be resolved through a traverse hearing. See Kingsland Grp. v. Pose, 296 A.D.2d 440, 440-41, 744 N.Y.S.2d 715, 716 (2d Dept. 2002) ("[S]ince there was a sworn denial of receipt of process, the affidavit of service is rebutted and the plaintiff must establish jurisdiction by a preponderance of the evidence at a hearing."); In re St. Christopher-Otilie, 169 A.D.2d 690, 691, 565 N.Y.S.2d 72, 73 (1st Dept. 1991) ("[T]he court erred in failing to hold a traverse hearing on the issue of the propriety of personal service, since respondent has raised an issue of fact with respect to the service of the petition.").

☐ In cases where the documentary evidence shows that service was not proper, the Court should grant the motion to dismiss for lack of personal jurisdiction without holding a traverse hearing. Ben-Amram v. Hershowitz, 14 A.d.3d 638, 789 N.Y.S.2d 313 (2d Dept. 2005) ("Since it was undisputed that the defendant did not reside at the address where personal service was attempted, and the address was not alleged to be the defendant's place of business, any purported service pursuant to CPLR 308 was ineffective, and the complaint should have been dismissed." (internal citation omitted)); Community State Bank v. Haakonson, 94 A.D.2d 838, 463 N.Y.S.2d 105 (3d Dept. 1983) ("Personal jurisdiction not having been acquired, the subsequently granted default judgment was a nullity and Special Term's attempt to exercise discretion pursuant to CPLR 5015 was ineffectual, for it was without authority to take any action other than to dismiss the complaint. . . . And notwithstanding plaintiff's assertion to the contrary, there is no reason

to remand for a factual hearing on the propriety of the service. . . . Because no disputed issue of fact is presented, a further hearing would be useless.”(internal citations omitted)).

21.If this Court finds that C.P.L.R. § 5015(a)(4) does not apply in this action, the Court may vacate the judgment based on excusable default under C.P.L.R. § 5015(a)(1). Mayers v. Cadmen Towers, Inc., 89 A.D.2d 844, 845, 453 N.Y.S.2d 25, 26-27 (2d Dept. 1982) (remitting the case for a hearing to determine “whether the court had jurisdiction over defendant, and, if it did . . . whether leave to interpose an answer containing all or only some defenses should be granted in view of the prejudice, if any, caused by the defendant’s default”).

22.Excusable default requires a finding of a reasonable excuse for the default and the existence of a potentially meritorious defense to warrant vacatur of the default judgment. Gerdes v. Canales, 74 A.D.3d 1017, 1018, 903 N.Y.S.2d 499, 500 (2d Dept. 2010).

23. “There is a ‘strong [public] policy favoring the determination of actions on their merits’.” Heskel’s West 38<sup>th</sup> Street Corp. v. Gotham Constr. Co., 14 A.D.3d 306, 307, 787 N.Y.S.2d 285, 287 (1<sup>st</sup> Dept. 2005) (alteration in the original).

24. As described above, I have a reasonable excuse for my default as I never received the Summons or the Summons and Complaint and meritorious defenses.

25. I have:

- ☒ not had a previous Order to Show Cause regarding this index number.
- ☐ had a previous Order to Show Cause regarding this index number but I am making this further application because:

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\_\_\_\_\_

9-14-17

26. I respectfully request that the Court grant my motion to vacate the default judgment or in the alternative, schedule a traverse hearing and, pursuant to C.P.L.R. 5015(a)(4), dismiss this case for lack of personal jurisdiction, lift all stays, order the return of any funds that have been garnished, and permit me to serve papers by mail.

27. If the Court denies my request pursuant to C.P.L.R. 5015(a)(4), I respectfully request that the Court grant my motion to vacate the default judgment pursuant to C.P.L.R. 5015(a)(1), restore the case to the calendar, lift all stays, order the return of any funds that have been garnished, permit me to file the proposed Answer, and permit me to serve papers by mail.

WHEREFORE, I respectfully request that the Court grant my motion in all respects.

June 4, 2015  
Date

x [Signature]

Pro Se Defendant Signature

Don Grillo

Pro Se Defendant Name

382 E. 184<sup>th</sup> Street #2

Brooklyn, NY 10458

Address

Phone

347-282-6753

Sworn to before me on the

4<sup>th</sup> day of June, 2015

[Signature]  
NOTARY PUBLIC

ROBERT S. GRUENWALD  
Notary Public, State of New York  
No. 31-5004837  
Qualified in New York County  
Commission Expires November 23, 2018

Prepared with the assistance of the

Brooklyn  
SH

CLARO Program by Volunteer Attorney  
with statements about the law prepared by  
Theodora Galacatos, Esq., of Fordham Law School's Feerick Center for Social Justice, for the CLARO Program.

Court of the City of New York  
County of Bronx

Index Number 83691/09

North Management LLC  
Plaintiff(s),

~~PROPOSED~~  
WRITTEN ANSWER  
CONSUMER CREDIT TRANSACTION

Dino Grillo -against-  
Defendant(s),

Defendant Dino Grillo answers the Complaint as follows:

ANSWER: (Check all that apply)

1 ☒ General Denial: I deny the allegations in the Complaint.

SERVICE

- 2 ☒ I did not receive a copy of the Summons and Complaint.  
3 ☐ I received the Summons and Complaint, but service was not correct as required by law.

DEFENSES

- 4 ☒ I do not owe this debt.  
5 ☐ I did not incur this debt. I am a victim of identity theft or mistaken identity.  
6 ☒ I have paid all or part of the alleged debt.  
7 ☒ I dispute the amount of the debt.  
8 ☐ I do not have a business relationship with Plaintiff (Plaintiff lacks standing).  
9 ☐ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect debt.  
10 ☐ Plaintiff does not allege a debt collector's license number in the Complaint.  
11 ☒ Statute of limitations (the time has passed to sue on this debt).  
12 ☐ This debt has been discharged in bankruptcy.  
13 ☐ The collateral (property) was not sold at a commercially reasonable price.  
14 ☒ Unjust enrichment (the amount demanded is excessive compared with the original debt).  
15 ☐ Violation of the duty of good faith and fair dealing.  
16 ☐ Unconscionability (the contract is unfair).  
17 ☒ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).  
18 ☐ Defendant is in the military.  
19 ☒ Other surrender + acceptance (Section 8)

OTHER

20 ☐ Please take notice that my only source of income is \_\_\_\_\_, which is exempt from collection.

COUNTERCLAIM(S)

21 ☐ Counterclaim(s): \$ \_\_\_\_\_ Reason: \_\_\_\_\_

VERIFICATION

State of New York, County of Bronx ss:

Dino Grillo, being duly sworn, deposes and says: I have read the Answer in Writing and know the contents to be true from my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this 4<sup>th</sup> day of June 2015  
MA R  
Notary Public, State of New York  
No. 31-5004837  
Qualified in New York County  
Commission Expires November 23, 2018

x Dino Grillo  
Signature of Defendant  
382 E. 184th St. #2  
Bronx, NY 10458  
Defendant's address

This case is scheduled to appear on the calendar as follows:

Date: \_\_\_\_\_ Part: \_\_\_\_\_ Room: \_\_\_\_\_ Time: \_\_\_\_\_ Both sides notified \_\_\_\_\_

CIV-GP- 58b Written Answer Consumer Credit (12/08)

FREE CIVIL COURT FORM

No fee may be charged to fill in this form.

Form can be found at: <http://www.nycourts.gov/courts/nyc/smalleclaims/forms.shtml>

Prepared with the assistance of the Bronx CLARO Program by MA R





Bronx County Civil Court  
Civil JudgmentPlaintiff(s):  
NORTH MANAGEMENT, LLC

Index Number: CV-083691-09/BX

Judgment Issued: On Default

vs.

On Motion of:

Defendant(s):  
DINA GRILLOKAVULICH & ASSOCIATES, P.C.  
30 CHURCH STREET, SUITE 26, New  
Rochelle, NY 10801-

Amount claimed	\$2,428.76	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 08/01/2007 at 9%	\$683.32	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$20.00	Jury Demand Fee	\$0.00		
<b>Total Damages</b>	<b>\$3,112.08</b>	<b>Total Costs &amp; Disbursements</b>	<b>\$130.00</b>	<b>Judgment Total</b>	<b>\$3,242.08</b>

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

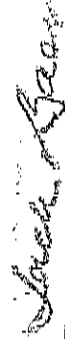
(1) NORTH MANAGEMENT, LLC  
5 NORTH STREET, Bronx, NY 10468-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) DINA GRILLO  
3609 BRONXWOOD AVENUE, 3RD FLR, Bronx, NY 10469-Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK  
in the total amount of \$3,242.08 on 09/15/2010 at 11:05 AM.

Judgment sequence 1

  
Jack Baer, Chief Clerk Civil Court

Civil Court of the City of New York  
County of Bronx

INDEX NO. 83691/09  
FILE NO. 8196

-----X  
North Management, LLC,

Plaintiff,

ORDER

- against -

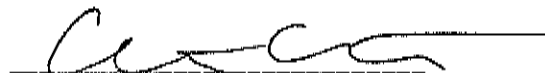
Dina Grillo,

Defendant(s).  
-----X

Upon the foregoing cited papers, the Decision/Order on the Plaintiff's Motion for an Order granting leave to serve an additional restraining notice upon J.P. Morgan Chase Bank, N.A. is hereby granted on default / after argument / on consent as follows:

1. Plaintiff may serve an additional restraining notice upon J.P. Morgan Chase Bank, N.A. in accordance with the CPLR.
2. Plaintiff is to serve a copy of this decision with Notice of Entry on the Defendant and J.P. Morgan Chase Bank, N.A. within 45 days, and file same with Court.
3. This is the Order and Decision of the Court.

5/14/15  
Date

  
J.S.C.

ENTERED  
BRONX COUNTY

MAY 14 2015

Civil Court  
of the  
City of New York

[HON. ANTHONY CANNATARO  
JUDGE]

Civil Court of the City of New York  
County of Bronx

NO CALENDAR NUMBER ASSIGNED

INDEX NO. 83691/09  
FILE NO. 8196

North Management, LLC,

Plaintiff,

NOTICE OF MOTION

- against -

Dina Grillo,

Defendant(s).

NO cal  
JT

MOTION BY:

Kavulich & Associates, P.C.  
Attorneys for Plaintiff

DATE, TIME AND PLACE  
OF HEARING:

05/14/2015  
9:30 AM  
Part 34, Room 503  
Civil Court of the City of New York  
County of Bronx  
851 Grand Concourse  
Bronx, NY 10451

SUPPORTING PAPERS:

Affirmation of Gary Kavulich, Esq. dated  
May 01, 2015, and upon all the papers and  
proceeding heretofore and herein.

RELIEF REQUESTED:

Order: pursuant to CPLR Section 5222(c),  
granting leave to serve an additional  
restraining notice upon J.P. Morgan Chase  
Bank, N.A., and for such other and  
further relief as the court deems just  
and proper.

Dated: Port Chester, New York  
May 01, 2015

Yours Etc.,

Kavulich & Associates, P.C.  
By: Gary Kavulich, Esq.  
Attorneys for Plaintiff  
181 Westchester Ave., Suite 500C  
Port Chester, 10573  
914-355-2074

To: Dina Grillo  
3609 Bronxwood Avenue, 3rd Flr  
Bronx, NY 10469-1156

2015 MAY -7 AM 5:32

CIVIL COURT

Civil Court of the City of New York  
County of Bronx

INDEX NO. 83691/09

FILE NO. 8196

-----X  
North Management, LLC,

Plaintiff,

AFFIRMATION

- against -

Dina Grillo,

Defendant(s).

-----X  
Gary Kavulich, Esq. an attorney duly admitted to practice law before the  
Courts of the State of New York hereby affirms the following under the penalty  
of perjury.

1. I am an member of the law firm of Kavulich & Associates, P.C., attorneys  
for the Plaintiff, herein. As such, I am fully familiar with the facts  
and circumstances of the within proceeding, except as to those matters  
stated to be based upon information and belief, and as to those matters  
I believe them to be true. The basis of my belief is information  
furnished to me by my client, information contained within the Court's  
file, and information contained within the file as maintained by your  
affirmant's office.
2. On 09/15/2010, a judgment was duly entered in this action in the Civil  
Court of the City of New York, County of Bronx in favor of the Plaintiff  
and against the Defendant for the sum of \$3,252.08. Annexed hereto as  
Exhibit "1" is a copy of said judgment.
3. A restraining notice based upon the above judgmnet and pursuant to CPLR  
Section 5222 was previously served on J.P. Morgan Chase Bank, N.A.  
("Chase").
4. Plaintiff served the restraining notice based upon knowledge and belief  
that the Judgment-Debtor has an account with Chase and while the  
Defendant, in fact, had an account with Chase, no monies were realized  
from that restraint.
5. As a restraining notice had previously been served, Plaintiff seeks  
leave of this Court to serve an additional notice pursuant to CPLR

Section 5222(c) as it is the only possible asset of the Defendant of which Plaintiff is aware that may assist it in collecting the judgment.

6. Plaintiff seeks leave to serve an additional restraining notice because, despite diligent efforts to collect the judgment herein, that judgment plus interest from the date of entry is still due and owing. Annexed hereto as Exhibit "2" is said Proposed Order.
7. Plaintiff's diligent efforts to collect the judgment herein include, but are not limited to, the sending of 20 (twenty) information subpoenas and/or restraint notices to entities and/or persons whom Plaintiff believes may have information which would assist Plaintiff in collecting the judgment but none of these efforts have been successful in collecting the judgment.
8. No previous application has been made for the relief prayed for herein.

WHEREFORE, your deponent respectfully prays for an Order, pursuant to CPLR Section 5222(c), granting leave to serve an additional restraining notice upon J.P. Morgan Chase Bank in connection with the aforesaid judgment, and for such other and further relief as the court deems just and proper.

Dated: Port Chester, New York  
May 01, 2015

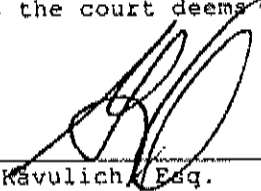
  
\_\_\_\_\_  
Gary Kavulich, Esq.

EXHIBIT 1 EXHIBIT 2

Bronx County Civil Court  
Civil Judgment

Plaintiff(s):  
NORTH MANAGEMENT, LLC

vs.

Defendant(s):  
DINA GRILLO

Index Number: CV-083691-09/BX

Judgment issued: On Default

On Motion of:

KAVULICH & ASSOCIATES, P.C.  
30 CHURCH STREET, SUITE 26, New  
Rochelle, NY 10801-

Amount claimed	\$2,428.76	Index Number Fee	\$45.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Consumer Credit Fee	\$0.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 08/01/2007 at 9%	\$683.32	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
Attorney Fees	\$0.00	Notice of Trial Fee	\$0.00	Other Costs	\$0.00
Cost By Statute	\$20.00	Jury Demand Fee	\$0.00		
<b>Total Damages</b>	<b>\$3,112.08</b>	<b>Total Costs &amp; Disbursements</b>	<b>\$130.00</b>	<b>Judgment Total</b>	<b>\$3,242.08</b>

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) NORTH MANAGEMENT, LLC  
5 NORTH STREET, Bronx, NY 10468-

Shall recover of the following parties, addressees and identified as debtors below:

Defendant debtor(s) and address

(1) DINA GRILLO  
3609 BRONXWOOD AVENUE, 3RD FLR, Bronx, NY 10468-

Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK in the total amount of \$3,242.08 on 09/15/2010 at 11:05 AM.

Judgment sequence 1



Jack Baer, Chief Clerk Civil Court



EXHIBIT 2

Civil Court of the City of New York  
County of Bronx

INDEX NO. 83691/09  
FILE NO. 8196

-----X  
North Management, LLC,

Plaintiff,

ORDER

- against -

Dina Grillo,

Defendant(s).

-----X  
Upon the foregoing cited papers, the Decision/Order on the Plaintiff's Motion for an Order granting leave to serve an additional restraining notice upon J.P. Morgan Chase Bank, N.A. is hereby granted on default / after argument / on consent as follows:

1. Plaintiff may serve an additional restraining notice upon J.P. Morgan Chase Bank, N.A. in accordance with the CPLR.
2. Plaintiff is to serve a copy of this decision with Notice of Entry on the Defendant and J.P. Morgan Chase Bank, N.A. within 45 days, and file same with Court.
3. This is the Order and Decision of the Court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
J.S.C.

Civil Court of the City of New York  
County of Bronx

INDEX NO. 83691/09  
FILE NO. 8196

-----X  
North Management, LLC,

Plaintiff,

AFFIRMATION OF  
SERVICE

- against -

Dina Grillo,

Defendant(s).

-----X  
Gary Kavulich, Esq., an attorney duly admitted to practice law before the  
Courts of the State of New York hereby affirms the following under the penalty  
of perjury

On May 1, 2015, I served the within Notice of Motion and Motion  
upon Dina Grillo, the Defendant(s) in this action, by depositing a true copy  
in a post paid envelope addressed to:

Dina Grillo  
3609 Bronxwood Avenue, 3rd Flr  
Bronx, NY 10469-1156

in an official depository under the exclusive dominion and control of the  
United States  
Postal Service within the State of New York via regular first class mail.

  
\_\_\_\_\_  
Gary Kavulich, Esq.

INDEX NO: 83691/09

Civil Court of the City of New York  
County of Bronx

-----X  
North Management, LLC,

Plaintiff,

- against -

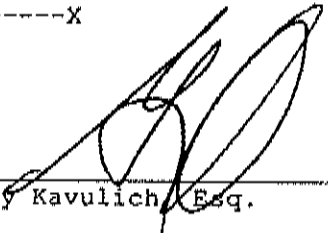
Dina Grillo,

Defendant(s).

-----X  
NOTICE OF MOTION

-----X  
Signature Rule 130-1.1-a

Print Name Beneath

  
-----  
Gary Kavulich, Esq.

Kavulich & Associates, P.C.  
Attorney for Plaintiff  
181 Westchester Ave., Suite 500C  
Port Chester, Port Chester NY  
914-355-2074

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

North Management, LLC.

PLAINTIFF(S)

-AGAINST-

Dina Grillo

DEFENDANT(S)

INDEX NO. 83727/09

FILE NO. 8196.0

JUDGMENT

15 North Street  
Bronx, NY 10468

AMOUNT CLAIMED LESS PMTS ON ACCT.  
INTEREST FROM 8/1/2007

\$2,428.76

\$540.49

\$2,969.25

COSTS BY STATUTE  
SERVICE OF SUMMONS AND COMPLAINT  
FILING OF SUMMONS AND COMPLAINT  
PROSPECTIVE MARSHALL'S FEE  
NOTICE OF INQUEST  
TRANSCRIPT & DOCKETING

\$20.00

\$25.00

\$45.00

\$40.00

\$0.00

\$0.00

\$130.00

TOTAL \$3,099.25

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER, THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY

3/4/2010

KAVULICH & ASSOCIATES, P.C.  
BY: GARY KAVULICH, ESQ.  
30 CHURCH STREET, SUITE 26  
NEW ROCHELLE, NY 10801

JUDGMENT ENTERED ON

SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)

HEREIN HAVING BEEN COMPLETED ON 9/22/2009 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY SUBSTITUED SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT

North Management, LLC

RESIDING AT: 15 North Street Bronx, NY 10468

RECOVER OF Dina Grillo

RESIDING AT: 3609 Bronxwood Avenue 3rd Flr. Bronx, NY 10469-1156

THE SUM OF \$2,428.76 WITH INTEREST OF \$540.49 MAKING A TOTAL OF \$2,969.25 TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$3,099.25 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

CLERK

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

North Management, LLC,

PLAINTIFF(S)

AGAINST

AFFIDAVIT OF FACTS  
CONSTITUTING THE CLAIM  
THE DEFAULT AND THE  
AMOUNT DUE

Dina Grillo

DEFENDANT(S)

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PERJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUTED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

August, 2007 balance of \$277.98

September, 2007 \$1,075.39

October, 2007 \$1,075.39

AT THE AGREED MONTHLY RENTAL OF \$1,075.39

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE CITY OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$2,428.76 WITH INTEREST FROM 8/1/2007 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.

BY: GARY KAVULICH, ESQ.

30 CHURCH STREET, SUITE 26

NEW ROCHELLE, NY 10801

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COURT ON

DATED: WESTCHESTER, NY

3/4/2010

YOURS, ETC.,

ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF

SS:

BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

INDEX NO. 83727/09

North Management, LLC,

PLAINTIFF(S)

AFFIDAVIT OF  
MAILING OF ADDITIONAL  
NOTICE OF SUIT

-AGAINST-

Dina Grillo

DEFENDANT(S)

STATE OF NEW YORK)  
COUNTY OF WESTCHESTER) SS:

GARY KAVULICH, ESQ., BEING DULY SWORN HEREBY DEPOSES AND SAYS:

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.
2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.
3. ON 8/17/2009, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE(S) IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE(S), PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE(S) BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE(S) THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

~~X~~ LAST KNOWN ADDRESS AT: Dina Grillo: 3609 Bronxwood Avenue 3rd Flr. Bronx, NY 10469-1156

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

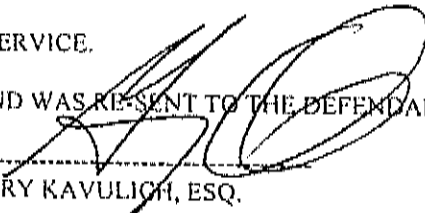
THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

THE AFOREMENTIONED MAILING:

~~X~~ HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RE-SENT TO THE DEFENDANT AT:

SWORN TO BEFORE ME  
ON THIS 17 DAY OF March, 2010.

  
GARY KAVULICH, ESQ.

Matthew N. Kaufman  
Notary Public- State of New York  
No. 02KA6204092  
Qualified in Westchester County  
My Commission Expires - April 13, 2013

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
North Management, LLC,

Index No. 83727/09  
File No. 8196.0

Plaintiff,

-against-

**AFFIDAVIT OF  
INVESTIGATOR**

Dina Grillo

Defendant(s).  
-----X

STATE OF NEW YORK        )  
                                      )SS.:  
COUNTY OF WESTCHESTER    )

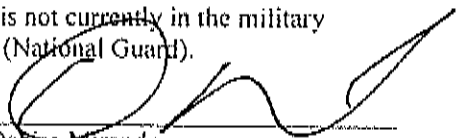
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant(s) Dina Grillo is at the present time in military service for the purpose of entry of judgment.

On March 4, 2010, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Dina Grillo military status.

I inputted the social security number, as provided by the Defendant, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).

  
\_\_\_\_\_  
Denise Miranda

Sworn to before me this

4 Day of March, 2010

  
\_\_\_\_\_  
Notary Public

Matthew N. Kaufman  
Notary Public - State of New York  
No: 01KA6204092  
Qualified in Westchester County  
My Commission Expires - April 13, 2013



CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X INDEX NO:  
FILE NO: 8196.0

North Management, LLC, PLAINTIFF,

-AGAINST-

Dina Grillo. DEFENDANT(S)

AFFIRMATION OF FACTS  
CONSTITUTING THE  
AMOUNT DUE

-----X

*George Zadrina*

hereby deposes and says under the penalties of perjury, ss:

That deponent is the managing agent of North Management, LLC, Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$2,428.76 for the months August, 2007 balance of \$277.98; September, 2007 through and including October, 2007 at the agreed monthly rental amount of \$1,075.39 per month (after application of security and after application of payments) no part having been paid, although duly demanded and Damages in the amount of \$0.00. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the City of New York. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

WHEREFORE, Plaintiff demands judgment against defendant for \$2,428.76 with interest from August 1, 2007 together with costs and disbursements of the action.

Dated: 3/4/2010

Sworn to before me  
on this 4 day of March, 2010

Notary Public

**Matthew N. Kaufman**  
**Notary Public - State of New York**  
**No: 02KA6204092**  
**Qualified in Westchester County**  
**My Commission Expires - April 13, 2013**

*George Zadrina*  
-----  
**GEORGE ZADRINA**

Request for Military Status

Page 1 of 2

Department of Defense Manpower Data Center

Mar-04-2010 11:11:06



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
GRILLO	DINA	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(e).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:HVAAODLG0Q

Bronx County Civil Court  
Civil JudgmentPlaintiff(s):  
NORTH MANAGEMENT, LLC

vs.

Defendant(s):  
DINA GRILLO

Index Number: CV-083691-09/BX

Judgment issued: On Default

On Motion of:

KAVULICH & ASSOCIATES, P.C.  
30 CHURCH STREET, SUITE 26, New  
Rochelle, NY 10801-

Amount claimed	\$2,428.76	Index Number Fee	\$45.00	Transcript Fee	\$0.00
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Interest 08/01/2007 at 9%	\$683.32	Non-Military Fee	\$0.00	Other Disbursements	\$0.00
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Total Damages	\$3,112.08	Total Costs & Disbursements	\$130.00	Judgment Total	\$3,242.08

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Plaintiff creditor(s) and address

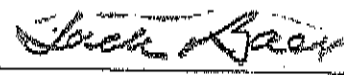
(1) NORTH MANAGEMENT, LLC  
5 NORTH STREET, Bronx, NY 10468-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) DINA GRILLO  
3609 BRONXWOOD AVENUE, 3RD FLR, Bronx, NY 10469-Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK  
in the total amount of \$3,242.08 on 09/15/2010 at 11:05 AM.

Judgment sequence 1

  
 Jack Baer, Chief Clerk Civil Court

AFFIDAVIT OF SERVICE  
CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

Index No. 83691/09

Filed: \_\_\_\_\_

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801

File No. 8196

NORTH MANAGEMENT LLC,

vs.

DINA GRILLO,

State of New York County of Nassau SS:

Aston G. Evans II, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On August 4, 2009 at 9:45a.m.

At: 3609 Bronxwood Avenue, 3<sup>rd</sup> Floor, Bronx, NY 10469-1156 served the within Summons and Complaint on: DINA GRILLO, Defendant therein named

Individual ☐ By delivering a true copy of each to said recipient: deponent knew the person served to be the person described as said person therein.

Corporation ☐ By delivering to and leaving with \_\_\_\_\_ and that deponent knew the person so served and authorized to accept service on behalf of the Corporation

Suitable Age Person ☒ By delivering a true copy of each to a person of suitable age and discretion  
Said premises is recipients ☐ actual place of business ☒ dwelling house within the state.

Affixing to Door ☐ By affixing a true copy of each to the door of said premises, which is recipients ☐ actual place of business ☐ dwelling house (place of abode) within the state

Mail Copy ☒ On August 5, 2009 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1<sup>st</sup> Class properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

On the day of at

On the day of at

On the day of at

Description A description of the Defendant, or other person served on behalf of the Defendant

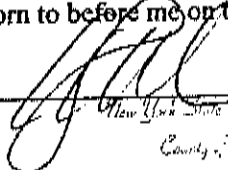
☐ Sex: M Color of skin: BLK Color of Hair: BLK Age: 55-60 Height: 5'8" Weight: 180LBS

Military Svce ☒ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other

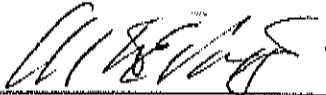
☒ "John Doe" stated that the Defendant is not in the military.

Sworn to before me on this 5 day of 8/09

  
\_\_\_\_\_  
New York State Notary Public  
County of Bronx  
Clayton J. Smith

Lic. No. 0191146042816

Commission Expires June 5, 2010

  
Aston G. Evans II  
LIC# 1220069

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF BRONX

-----X  
North Management, LLC,  
Plaintiff,

-against-

Dina Grillo,

Defendant(s)

INDEX NO. 183691  
FILE NO. 8196.0

SUMMONS

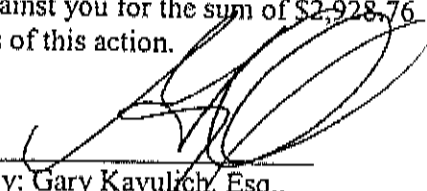
Place of Venue is Plaintiff's  
place of business:

15 North Street  
Bronx, NY 10468

-----X  
To the above named defendants(s):

YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the clerk of the said Court at 851 Grand Concourse, Bronx, NY 10451, in the COUNTY OF BRONX, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$2,928.76 with interest thereon from August 1, 2007 together with costs of this action.

DATED: July 9, 2009

  
By: Gary Kavulich, Esq.,  
Kavulich & Associates, P.C.  
Attorney for Plaintiff  
30 Church Street  
Suite 26  
New Rochelle, NY 10801  
(914) 355-2074

Defendant's Address:

Dina Grillo  
3609 Bronxwood Avenue, 3rd Flr.  
Bronx, NY 10469-1156

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.



## COMPLAINT

**FIRST ACTION:** Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$2,428.76 representing rental arrears for the months of August, 2007 balance of \$277.98; September, 2007 through and including October, 2007 at the agreed monthly sum of \$1,075.39 for the premises known as 15 North Street, Apt.3D Bronx, NY 10468 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

**SECOND ACTION:** Plaintiff seeks to recover damages from the defendant in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

**THIRD ACTION:** Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

**WHEREFORE,** Plaintiff demands judgment (A) on the First Action, in the sum of \$2,428.76 plus interest from August 1, 2007 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (B) on the Second Action, in the sum of \$0.00 plus interest from August 1, 2007 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.